

**MILLSTONE TOWNSHIP
PLANNING BOARD
MEETING MNUTES
FEBRUARY 12, 2014**

At 7:31p.m., Mitch Newman called the meeting to Order.

The Secretary read the Adequate Notice.

Salute to the Flag.

Attorney Steib swore in appointed member Chris Pepe as a Class IV Member.

Roll Call: Present: Blanco, Grbelja, Kinsey, Kocur, Pado, Ziner, Pepe, Kurzman and Newman. Absent: Pinney and Beck.

APPROVAL OF MINUTES: January 8, 2014

Mayor Kinsey Made a Motion to approve and Committeewoman Grbelja offered a Second: Roll Call Vote: Kinsey, Grbelja, Blanco, Pado, Ziner, Kocur and Newman voted yes to approve the meeting minutes

PUBLIC COMMENT PORTION: 15-Minute Limit

Chairman Newman opened the public portion of the meeting for any public comment. Seeing none, he closed that portion at 7:35 p.m.

EXTENSION OF TIME:

P 14-01 PERL ACRES SOUTH – Block 55, Lot 2 - Located on Route 526. Previously Zoned R-130 consisting of 158.2 acres. Zone is presently RU-P. Applicant received on 6-25-03, Preliminary Major Subdivision approval for a 43-residential lot subdivision and 2 lots for Township dedication. Final Approval granted and Resolution Memorialized on 4-11-07. Applicant requested and received an extension of time, pursuant to 40:55D-70, through March 12, 2014. Applicant returns for additional extension of time. Noticing is required.

Attorney Kenneth Pape representing the applicant.

Board Attorney Steib advised that the applicant has noticed for the meeting but the Planning Office had not received the packet prior to this meeting and therefore, any approval is subject to proper noticing.

Mr. Pape explained that they have been in constant contact with Renee Jones of the NJDEP Green Acres Program. During the second half of January, a meaningful offer was made to the Perlman family for the preservation of the property. Explaining the timeline, Mr. Pape respectfully requested the Board grant an additional four month extension of time. He offered that four (4) weeks are needed to finish negotiations. Once there is an agreement reached, the agreement then goes to the State Attorney to draft a contract which Mr. Pape anticipated would take one month. He explained that would be two months from now and

then the application would need an additional sixty (60) days on the back side in order to perfect the subdivision in case there is a problem. Mr. Pape reiterated that the State made a meaningful offer in fairly quick negotiations.

In light of the above, Mr. Pape has requested an additional four (4) months extension of time past the March 12, 2014 extension deadline.

Chairman Newman asked if Millstone is a party in that offer. Committeewoman Grbelja advised that there is an offer and the State has all of their funding partners in line in varying amounts and Millstone is part of that.

Chairman Newman asked if this is still the goal that the Township wants to support. Committeewoman Grbelja advised that the State had some issues but they are typical for the length of time it has taken. She further reported that the State has worked very hard to find as much funding that they possibly could. The offer is being fine tuned.

Chairman Newman asked for a Motion. Mr. Blanco made the Motion to approve the four month extension, concluding on July 12, 2014. Mr. Pado offered a Second. Roll Call Vote: Blanco, Pado, Grbelja, Kocur, Kurzman, Ziner and Newman voted yes to grant the extension. Mayor Kinsey abstained.

APPLICATION:

P13-13 MILLSTONE PROPERTY INVESTMENTS, LLC. – Block 16, Lots 11.01, 11.02 and 11.03. Located at 1 Prodelin Way consisting of 9.87 acres located in the HC Zone. Applicant received approval to construct a one-story 9,900 square foot day care center along with a 6,000 square foot one-story office and storage building on 6-13-2007 and was granted a one-year extension of time through 6-13-2011. Applicant returned to the Board for Amended Preliminary Site Plan approval to include access through Monroe Township and received same in Resolution dated 5-11-11. Applicant returns to the Board for Final Site Plan Approval. No noticing required.

Attorney Aravind Aithal of Bob Smith & Associates, representing the applicant. Mr. Aravind explained that the applicant is before the Board for Final approval of his project

Board Attorney Steib entered into evidence the following Exhibits:

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| A-1 | Applicant's Letter Request for Final Site Plan approval dated 12/19/13 |
| A-2 | Final Major Site Plan dated 12-12-13 |
| PB-1 | Report of Board Attorney dated 1-10-14 |
| PB-2 | Report from Board Engineer dated 1-15-14 |
| PB-3 | Report from Board Planner dated |

PB-4 Copy of Resolution granting Amended Preliminary Site Plan Approval memorialized on 5-11-11

PB-5 Monmouth County Planning Board Final Approval dated 10-30-13

John Ploskonka of Concept Engineering is sworn in by Attorney Steib. Mr. Ploskonka is has appeared before the Board and is known to the Board and is accepted as an expert witness.

Attorney Steib entered into evidence:

Exhibit A-3 - Aerial plan reflecting the site in both Millstone and Monroe.

Mr. Ploskonka supplied the Board with smaller copies of the Exhibit for their information.

Referring to Exhibit A-3, he offered a brief overview of the project. In Millstone Township, the applicant had received approval to construct a flex based building consisting of 6,000 s.f., a day care center, consisting of 9,000+ s.f. and the appropriate parking. The applicant returned to the Board for amended Preliminary Site Plan approval to interconnect his site in Monroe which consists of a bank, two retail buildings and an office building. Mr. Ploskonka explained that a party can go from the Millstone site to the Monroe site but not the reverse.

Mr. Ploskonka stated that the applicant is ready to build the 6,000 s.f. flex based building.

Mr. Ploskonka advised that they are in possession of Board Engineer Matt Shafai's recent report and can comply with the report. There are a few comments concerning the history of the project and some minor changes to the plan and the applicant agrees to finish receiving any outstanding agency reports. Sixty (60) to ninety (90) days is what it should take to complete these outstanding issues, post the bonds and have the final maps signed.

The applicant addressed Board Planner Richard Coppola's report. They have met the conditions of this preliminary report.

Mr. Ploskonka refers to sheet 3/14 overall site plan of the project he explains the plan. The road is 18 feet in the interior of the Millstone site and 25 feet at entrance. He pointed out on the plan the location of the speed hump and the "Do Not Enter" signage location. Painted pavement arrows for traffic efficiency were added to Engineer Shafai's satisfaction.

Mr. Pepe voiced his concern about the day care center and traffic and inquired if an additional speed hump would be helpful. Both Mr. Coppola and Mr. Shafai offered that they have reviewed the plan and feel that due to the narrowness of the road, an additional hump would not be necessary.

Chairman Newman asked of the trigger to insure compliance. Mr. Shafai advised that the applicant has to provide bonding for the improvements. Chairman Newman wanted to assure that the improvements are installed prior to anyone occupying the buildings. The issuance of a Certificate of Occupancy makes sure that everything is safe

Mr. Pado voiced his concern about location of the dumpster pad which is located near the speed hump. Mr. Pado He asked if it could be relocated behind the building. Mr. Ploskonka feels that no traffic will be there during the time of trash pickup.

Mr. Pado offered that at the Preliminary application, the Board had a concern with the dumpster pad location. Mr. Ploskonka advised that they move the dumpster pad next to the flex building where there is low intensity and offered this to be a good location. Messrs Coppola and Shafai had no concerns as to the location of the dumpster and they explained why.

There was discussion about traffic on Prodelin Way. Left turns are permitted onto Prodelin from the site. There are no municipal restrictions. Engineer Shafai advised that the Board had a Traffic Engineer testifying at the original application. MR. Ploskonka advised that all of the traffic engineers went back and forth and the traffic plan before the Board is the plan that they agreed upon.

Mr. Kocur offered that it would be creating more of a hardship by forcing traffic to make a right turn only and have them go to the retail center down the street to make their u-turn. People not obeying the speed on Prodelin are problematic.

The Board discussed their concern with traffic safety.

Chairman Newman asked Attorney Steib what the legal prospective would be regarding preliminary site plan approval and the Board's limit of our authority.

Attorney Steib advised that the Board is looking at two different issues. The concern of lack of enforcement is not on the applicant. Concerning the traffic flow, Attorney Steib advised that the Board's traffic engineer and the applicant's traffic engineer met and came up with the traffic plan that is on the final plan. The Board's traffic expert advised what was safe. Attorney Steib stated that if the applicant complies with preliminary site plan approval, then they are entitled to receive final approval. The applicant has not changed the preliminary plan; they have just complied with it. If the Board wishes to bring in a traffic expert, then that is different. Attorney Steib advised that the application was approved and the applicant has complied. Everything in the record said that it is safe. To clarify a question the Board had, Engineer Shafai advised that the Board Traffic Engineer and Applicant's Traffic Engineer have incorporated anticipated future traffic into their calculations.

The Board offered that there is value in talking it through. Seeing nothing further from the applicant, the Board discussed the application.

In terms of access coming off of Route 33 coming where the yield sign is located, only the State Department of Transportation has jurisdiction over changing that to a Stop sign. Committeewoman Grbelja offered that the Board did try to limit flow of traffic through Millstone and did reduce it quite a bit by making it a one way through Millstone.

Engineer Shafai agreed that it is restrictive. He explained that they moved the buildings back to make it more restrictive by not having the road in Millstone line up with the one in Monroe.

Mr. Ploskonka advised that the width of the road had to be able to accommodate emergency vehicles on site. The road tapers down from 25 feet to 18 feet at some point.

Chairman Newman opened the application to the public at 8:30 p.m. Seeing no public comment, he closed that portion at 8:30 p.m.

The Conditions of preliminary approval carry through to final approval.

Chairman Newman asked for a Motion. Mr. Blanco made a Motion to approve the application and Committeewoman Grbelja offered a Second. Roll Call Vote: Blanco, Grbelja, Pepe, Kinsey, Ziner, Kocur and Newman voted yes to granting final approve. Messrs. Kurzman and Pado voted no.

Seeing no old or new business, Chairman Newman asked for a Motion to Adjourn. Mayor Kinsey made the Motion and Mr. Ziner offered a Second and by unanimous vote, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Pamela D'Andrea